
By: **Delegates McComas, Boutin, Glassman, Impallaria, James, Jennings,
O'Donnell, and Parrott**

Introduced and read first time: March 1, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Criminal Background Investigation for Employees and Other**
3 **Individuals Who Care for or Supervise Children**

4 FOR the purpose of exempting an individual under a certain age who is an employee
5 or a volunteer who cares for or supervises children from certain requirements
6 for certain criminal background investigations under certain circumstances; and
7 generally relating to criminal background investigations for employees and
8 volunteers who care for or supervise children.

9 BY repealing and reenacting, without amendments,
10 Article - Family Law
11 Section 5-560(a), (c), and (e)(1) and 5-561(a), (b), and (g)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 5-560(d) and 5-561(d), (e), and (f)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Family Law**

22 5-560.

23 (a) In this Part VI of this subtitle, the following words have the meanings
24 indicated.

25 (c) "Department" means the Department of Public Safety and Correctional
26 Services.

1 (d) (1) "Employee" means a person that for compensation is employed to
2 work in a facility identified in § 5-561 of this subtitle and who:

3 (i) cares for or supervises children in the facility; or

4 (ii) has access to children who are cared for or supervised in the
5 facility.

6 (2) "Employee" includes a person who:

7 (i) participates in a pool described in subsection (e)(2) of this
8 section;

9 (ii) for compensation will be employed on a substitute or temporary
10 basis to work in a facility identified in § 5-561(b)(1) or (2) of this subtitle; and

11 (iii) will care for or supervise children in the facility or will have
12 access to children who are cared for or supervised in the facility.

13 (3) "Employee" does not include any person:

14 (I) employed to work for compensation by the Department of
15 Juvenile Services; OR

16 (II) UNDER THE AGE OF 17 YEARS.

17 (e) (1) "Employer" means an owner, operator, proprietor, or manager of a
18 facility identified in § 5-561 of this subtitle who has frequent contact with children
19 who are cared for or supervised in the facility.

20 5-561.

21 (a) Notwithstanding any provision of law to the contrary, an employee and
22 employer in a facility identified in subsection (b) of this section and persons identified
23 in subsection (c) of this section shall apply for a national and State criminal history
24 records check at any designated law enforcement office in this State.

25 (b) The following facilities shall require employees and employers to obtain a
26 criminal history records check under this Part VI of this subtitle:

27 (1) a child care center required to be licensed under Part VII of this
28 subtitle;

29 (2) a family day care home required to be registered under Part V of this
30 subtitle;

31 (3) a child care home required to be licensed under this subtitle or under
32 Article 83C of the Code;

33 (4) a child care institution required to be licensed under this subtitle or
34 under Article 83C of the Code;

1 (5) a juvenile detention, correction, or treatment facility provided for in
2 Article 83C of the Code;

3 (6) a public school as defined in Title 1 of the Education Article;

4 (7) a private or nonpublic school required to report annually to the State
5 Board of Education under Title 2 of the Education Article;

6 (8) a foster care family home or group facility as defined under this
7 subtitle;

8 (9) a recreation center or recreation program operated by State or local
9 government primarily serving minors; or

10 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the
11 Code of Maryland Regulations, primarily serving minors.

12 (d) An employer at a facility under subsection (b) of this section may require a
13 volunteer WHO IS AT LEAST 17 YEARS OLD at the facility to obtain a criminal history
14 records check under this Part VI of this subtitle.

15 (e) A local department of social services may require a volunteer WHO IS AT
16 LEAST 17 YEARS OLD of that department who works with children to obtain a criminal
17 history records check under this Part VI of this subtitle.

18 (f) An employer at a facility not identified in subsection (b) of this section who
19 employs individuals to work with children may require employees, including
20 volunteers WHO ARE AT LEAST 17 YEARS OLD, to obtain a criminal history records
21 check under this Part VI of this subtitle.

22 (g) An employer, as defined in § 5-560(e)(2) of this subtitle, shall require an
23 employee, as defined in § 5-560(d)(2) of this subtitle, to obtain a criminal history
24 records check under this Part IV of this subtitle.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2004.